

CHAITMAN LLP

465 Park Avenue
New York, New York 10022
Phone & Fax: (888) 759-1114
Helen Davis Chaitman
hchaitman@chaitmanllp.com

Attorneys for Defendants

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES
LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF INVESTMENT SECURITIES
LLC,

Debtor,

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

CAROL L. KAMENSTEIN, individually and in her
capacity as joint tenant,

DAVID R. KAMENSTEIN, individually and in his
capacity as joint tenant,

SLOAN G. KAMENSTEIN, and

TRACY D. KAMENSTEIN,

Defendants.

Adv. Pro. No. 10-04469 (CGM)

**DECLARATION OF HELEN DAVIS CHAITMAN IN SUPPORT OF DEFENDANTS’
APPLICATION BY ORDER TO SHOW CAUSE FOR ENTRY OF AN ORDER
GRANTING AN ADJOURNMENT**

HELEN DAVIS CHAITMAN hereby declares, under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am a member of the bars of New York and New Jersey, and of this Court. I am a member of Chaitman LLP, counsel for Defendants, Carol L. Kamenstein, individually and in her capacity as joint tenant, David R. Kamenstein, individually and in his capacity as joint tenant, Sloan G. Kamenstein and Tracy D. Kamenstein (collectively, “the Defendants”). I submit this declaration in support of Defendants’ motion, brought by order to show cause, for adjournments of certain dates in this adversary proceeding.

2. Chaitman LLP is a tiny firm. This matter was reassigned from Judge Bernstein to this Court. We have deadlines set in other cases during this period. Accordingly, we seek to adjourn by six weeks the dates for the pre-trial conference and summary judgment motions, which are all presently scheduled for January 27, 2020. We also seek adjournment of the dates for the various pre-trial submissions, scheduled in accordance with Judge Bernstein’s Order dated October 2, 2020, *Picard v. Kamenstein*, 10-04469 (CGM) ECF No. 100.

3. We seek adjournments as follows:

EVENT	PREVIOUS DEADLINE	PROPOSED DEADLINE
Pre-trial conference and arguments on various summary judgment motions	January 27, 2021	March 10, 2021 (or a date that is convenient to the Court).
Trustee to provide his version of pre-trial order to Defendants	November 18, 2020	December 30, 2020
Defendants to provide comments and insertions	December 18, 2020	January 29, 2021
Parties to exchange exhibits and deposition designations	January 8, 2021	February 19, 2021

Parties to exchange objections to exhibits and deposition designations	January 15, 2021	February 26, 2021
Parties to submit pre-trial order to the Court	January 20, 2021	March 3, 2021

4. The deadlines for the briefing schedule on the summary judgment motions were recently agreed to and provided to the Court and have been approved by Judge Bernstein, but have not yet been stipulated to or So Ordered.

EVENT	APPROVED DEADLINE	PROPOSED DEADLINE
Defendants to file motion for summary judgment	November 25, 2020	January 6, 2021
Trustee to file cross-motion and opposition	December 23, 2020	February 3, 2021
Defendants to oppose cross-motion and reply to motion	January 8, 2021	February 17, 2021
Trustee to reply on cross-motion	January 22, 2021	March 3, 2021

5. For example, in *Callas v. Callas*, 2:14-cv-07486-JMV-JBC, D.N.J., Judge Vasquez recently ordered that substantial summary judgment motions must be filed by both sides in early December that must then be responded and replied to, during December and January 2021. These motions had not been scheduled at the time the Court set the above dates. While the Trustee has advised that he does not consent to the relief requested, it would be substantially difficult for a firm of the size of Defendants' counsel, if not virtually impossible, to make significant submissions to courts simultaneously. Accordingly, we simply seek to move all the deadlines by six weeks, while retaining the order of submissions and the time between each to accommodate those other deadlines.

6. Finally, the parties agreed to the dates for the summary judgment motion immediately before this case was transferred to Your Honor. We were not aware of the schedule in the *Callas* case at that time. However, since we were advised thereafter that this Court asked that the hearings for pending summary judgment motions between the parties in two other cases

be adjourned to the same date as the pre-trial conference, we have included the dates for the motions in this case in this request.

7. We initially made this application by letter motion filed on the docket on November 6, 2020 *see* **Exh. A.** to which the Trustee responded on the same day *see* **Exh. B.** but were advised by Chambers to submit a formal motion. Because the first of the several dates for which we are seeking an adjournment is November 18, 2020, when the Trustee is required to submit his version of the proposed pre-trial order to this firm, we are moving by order to show cause instead of by notice.

8. There have been no prior applications for an adjournment of dates in this matter, except the same application made by letter and docketed on November 6, 2020.

Dated: November 17, 2020



Helen Davis Chaitman